

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO.: 03-CR-20859-PCH

UNITED STATES OF AMERICA,

v.

KANIYN PARKER,

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATIONS AND DENYING
DEFENDANT’S MOTION FOR COMPASSIONATE RELEASE**

THIS MATTER is before the Court on Defendant Kaniyn Parker’s (“Defendant”) Motion for Compassionate Release pursuant to 18 U.S.C. § 3582(c)(1)(A)(i) (“Motion”) [ECF No. 161], which was filed *pro se* on June 22, 2020. The Motion was referred to Magistrate Judge McAliley [ECF No. 163] for a Report and Recommendation. In the Motion, Defendant argues that his release from prison is warranted because his pre-existing health condition, asthma, places him at a heightened risk of severe illness from COVID-19. The Government responded to the Motion [ECF No. 164] on July 6, 2020. Defendant filed his *pro se* reply in support of the Motion [ECF No. 166] on July 28, 2020.

Magistrate Judge McAliley issued the Report and Recommendation (“R&R”) [ECF No. 168] on August 27, 2020, recommending that the Court deny the Motion because Defendant failed to (1) exhaust his administrative remedies and (2) show that an extraordinary and compelling reason warrants his release. On October 27, 2020, Defendant filed his objection to the R&R (“Objection”) [ECF No. 177]. In his Objection, Defendant explains that he was diagnosed with COVID-19 in August 2020, but that he has since recovered from the illness. (*See Mot.* at 2, stating “I was lucky this time and my body fought off [the symptoms] that I

had”).

The Court has independently reviewed the record and the relevant legal authorities, and is otherwise duly advised. After a *de novo* review, the Court agrees with the reasoning and recommendations in the R&R, including the analysis on both the failure to exhaust administrative remedies and the merits. In addition, the Court is pleased to learn that Defendant has recovered from his COVID-19 diagnosis. However, because Defendant has successfully recovered and thus is in less danger of suffering severe symptoms from COVID-19, the Court finds that Defendant has not shown any extraordinary and compelling reason warranting his release. The Court therefore adopts the R&R in full and concludes that Defendant has both failed to (i) exhaust his administrative remedies and (ii) demonstrate an extraordinary and compelling reason warranting his release. Accordingly, it is

ORDERED AND ADJUDGED that (1) the R&R [ECF No. 168] is **APPROVED** and **ADOPTED** in its entirety as part of this Order and (2) Defendant’s *pro se* Motion for Compassionate Release [ECF No. 161] is **DENIED**.

DONE and ORDERED in Miami, Florida on November 5, 2020.

A handwritten signature in black ink, appearing to read 'Paul C. Huck', written over a horizontal line.

Paul C. Huck
United States District Judge

cc: All Counsel of Record;
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